

Application No.: 09/625,646

Docket No.: 05708/P005US/08008819

REMARKS**I. Amendment to Specification and previously presented claims**

The specification at page 12, line 22 is being amended to correct an obvious error. No new matter has been introduced by such amendments.

Claims 17, 44, 63, 81 are being amended to correct errors.

Claims 71 – 74 were previously withdrawn based on the Examiner's restriction requirement. In the February 5, 2004 response, these claims were inadvertently marked as "Previously Presented." The designation of claims 71 – 74, and 68 has been amended in this supplemental response to show claims 71 – 74, and 68 as "canceled." Claims 27-43, 52-60, and 79-80 which were previously shown as "withdrawn" have been canceled.

Claims 86-96 were added in the response dated February 5, 2004 and since these claims are directed to TV users, and since the Examiner has restricted out of this application claims relating to TV users, it is believed that claims 86- 96 properly belong in a divisional application along with the claims that were canceled from this application. Accordingly, claims 86-96 have been canceled. If the Examiner disagrees with such cancellation and believes claims 86-96 should be examined in this application, the Examiner is invited to reinstate the claims and they will then be removed from any divisional application.

II. Arguments

Applicant wishes to clarify his remarks in the February 5, 2002 response, where it was stated that Fraunhofer does not show accessing of the desired information by a provider. This statement is true with respect to situations where the information provider is not an "intermediary". However, in some situations, as specifically set forth in the specification at page 14, lines 4 et.seq. The search engine can be at a location away from control by the user and also independent from the information provider. Thus, the search engine could be at an "intermediary location.

It is this alternative arrangement that the Fraunhofer reference most closely resembles. However, Fraunhofer is a system in which the server decides what it will search

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for and then asks for users to "subscribe" to one or more predecided categories. In the claims, the information desired by the user is always decided upon by the user and not part of a "subscription" to information to be obtained by the intermediary.

In one embodiment of the invention, the user stores information of a non-subscription nature (i.e. information desired by the user and unique to the user) at, for example, a website and a search engine at that website goes and finds matches between the user's desired information and the information available from a provider. Thus, the information provider can be an "intermediary" as well as the actual information provider. Both situations are different from the Fraunhofer teachings, as discussed above.

III. Newly added claims

New claim 97 is directed to information content that the user is requesting where the information is not available to the user at the time of the request. In addition, claim 97 makes it clear that the information desired is non-subscription information. This is in keeping with the discussion on page 14, lines 25 et. seq., of the application, which discussion specifically addresses the type of information (ball scores, market quotes) that is the subject of the Fraunhofer reference cited by the Examiner. Subscription information is information that is gathered by a source and then distributed to a number of "subscribers" in common. Non-subscriber information is, as discussed in the specification, information desired by a user and not necessarily sought by any other user. Claim 97 is further directed to situations where third parties other than the requesting user perform the actual search. It is believed that claim 97, and the claims dependant therefrom (claims 98, 99, 100, 101, 102, 103) are both supported by the specification and are not anticipated by, nor obvious in view of, the cited Fraunhofer reference as discussed in Applicant's response dated February 5, 2004. Accordingly, these newly added claims should be held allowable.

New claim 104 is directed to the purchase of tickets over an interactive network, such as the Internet, where the tickets may or may not be available at the time the request is posted and where the postings are searched by parties other than the posting user. Posting ticket information is a sub-set of posting general information. Support for ticket information is shown at page 12, lines 15 et. Seq. of the application. It is believed that claim 104 and the claims dependant therefrom (claims 105, 106, 107, 108) are both supported by the

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specification and are not anticipated by, nor obvious in view of, the cited Fraunhofer reference as discussed in Applicant's response dated February 5, 2004. Accordingly, these newly added claims should be held allowable.

New claim 109 is directed to a system for purchasing merchandise over the Internet when the merchandise may or may not be available at the time the request is accepted by a memory. The search engine searches for matches between what is stored in memory and what becomes available. This search is performed by parties other than the originating user. It is believed that claim 109 and the claims dependant therefrom (claims 110, 111, 112, 113) are both supported by the specification and are not anticipated by, nor obvious in view of, the cited Fraunhofer reference as discussed in Applicant's response dated February 5, 2004. Accordingly, these newly added claims should be held allowable.

New claim 114 is directed to obtaining merchandise on the Internet under control of a party, other than the party desiring the merchandise, performing the searching. It is believed that claim 114 and the claims dependant therefrom (claims 115, 116, 117, 118) are both supported by the specification and are not anticipated by, nor obvious in view of, the cited Fraunhofer reference as discussed in Applicant's response dated February 5, 2004. Accordingly, these newly added claims should be held allowable.

Applicant hereby repeats his traverse, as set out in the February 5, 2004 response, to the art cited by the Examiner and believes all of the claims now being presented are patentable over the cited art for the reasons discussed in the February 5, 2004 response, and as noted above.

IV. Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Applicants believe no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 05708/P005US/08008819 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

David H. Tannenbaum
Registration No.: 24,745
FULBRIGHT & JAWORSKI L.L.P.
2200 Ross Avenue, Suite 2800
Dallas, Texas 75201-2784
(214) 855-8000
(214) 855-8200 (Fax)
Attorney for Applicant